



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

NOV 09 2012

James F. Thompson  
Lathrop & Gage LLP  
2345 Grand Boulevard, Suite 2200  
Kansas City, Missouri 64108-2618

Re: Notification of confidential status of November 29, 2010 Lathrop & Gage submittal sent regarding Radiation-Standard Products, Inc. Site at 650 East Gilbert Street and Radiation-Standard Precision, Inc. Superfund Sites, 4105-4129 Pawnee Street, Wichita, Kansas

Dear Mr. Thompson:

As counsel for Raytheon Company, you are receiving this letter on its behalf. This letter regards the November 29, 2010 submittal to the U.S. Environmental Protection Agency by you on behalf of Raytheon which is marked as "Confidential ..." pursuant to the Fed. R. Evid. 408. This is to notify you that pursuant to Fed. R. Evid. 408(a)(1), you have not offered or promised to furnish any valuable consideration to attempt to compromise a claim; thus, Fed. R. Evid. 408 is inapplicable. It is clear that the submittal dated November 29, 2010 is not protected by Fed. R. Evid. 408 because the EPA and Raytheon are not in settlement negotiations; to the contrary, Raytheon has denied all liability in the material contained within the November 29, 2010 submittal to EPA in response to EPA's General Notice Letter regarding Radiation-Standard Products, Inc. Site.

Further, the referenced November 29, 2010 submittal simply states facts and your legal opinion and/or conclusions. Please refer to the advisory committee's notes to the Fed. R. Evid. 408 which state: "...statements of fact made during settlement negotiations, however, are excepted from this ban and are admissible." See, Fed. R. Evid. 408, advisory committee's note dated 1974.

As a result, the Fed. R. Evid. 408 is inapplicable and EPA will treat the above submittal as nonconfidential.

Sincerely,

Denise L. Roberts  
Senior Assistant Regional Counsel

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